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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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TIFFANY FARLEY ROUNDY and  
BRADY BURKE ROUNDY,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

MEMORANDUM DECISION AND ORDER  
ADOPTING REPORT &  
RECOMMENDATION

Case No. 2:12-cv-01032-DN

District Judge David Nuffer

The Report and Recommendation issued by United States Magistrate Judge Dustin B.

Pead on March 11, 2014<sup>1</sup> recommends that this Court grant the motion to dismiss filed by  
Defendant Wells Fargo Bank, N.A.<sup>2</sup>

The parties were notified of their right to file objections to the Report and  
Recommendation within 14 days of service pursuant to 28 U.S.C. § 636 and Fed. R. Civ. P. 72.  
Plaintiffs filed an objection<sup>3</sup> and Defendant filed a response to that objection.<sup>4</sup>

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b)(3), de novo review of all  
materials, including the record that was before the magistrate judge and the reasoning set forth in  
the Report and Recommendation, has been completed. The analysis and conclusion of the

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<sup>1</sup> Report and Recommendation, [docket no. 48](#).

<sup>2</sup> Defendant Wells Fargo Bank, N.A.'s Motion to Dismiss Plaintiff's Second Amended Complaint, [docket no. 42](#), filed November 26, 2013.

<sup>3</sup> Objection to Report and Recommendation and Request for Oral Argument, [docket no. 49](#), filed March 25, 2014.

<sup>4</sup> Defendant Wells Fargo Bank, N.A.'s Response to Plaintiffs' Objection to Report and Recommendation of  
Magistrate Judge Dustin B. Pead, [docket no. 50](#), filed April 9, 2014.

magistrate judge are correct and the Report and Recommendation will be adopted. No hearing will be held concerning the objection.<sup>5</sup>

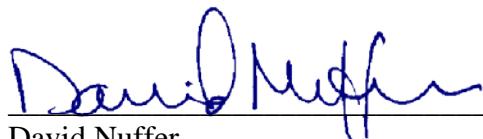
Although Plaintiffs voiced displeasure with the magistrate judge's conclusions, none of the arguments raised by Plaintiffs in their objection were supported by any citation to law, and Plaintiffs failed to explain how the arguments differed in any material respect from the arguments already addressed by the magistrate judge in the Report and Recommendation. Ultimately, Plaintiffs seek proof that Wells Fargo has authority to collect loan payments. But Plaintiffs fail to describe precisely what proof would satisfy this request. Moreover, Plaintiffs fail to assert that any other party besides Wells Fargo is claiming (or could) claim authority to collect loan payments. Accordingly, the Court ADOPTS the Report and Recommendation,<sup>6</sup> and Plaintiffs' objection is OVERRULED.

IT IS HEREBY ORDERED that the Motion to Dismiss filed by Defendant Wells Fargo Bank, N.A.<sup>7</sup> is GRANTED and the above-captioned matter is DISMISSED with prejudice.

The Clerk shall close the case.

Signed September 10, 2014.

BY THE COURT



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David Nuffer  
United States District Judge

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<sup>5</sup> DUCivR 72-3(b) ("Unless otherwise ordered by the assigned district judge, no response need be filed and no hearing will be held concerning an objection to a magistrate judge's order pursuant to Fed. R. Civ. P. 72(a) and 28 [U.S.C.] § 636 (b)(1)(A).").

<sup>6</sup> [Docket no. 48](#), entered March 11, 2014.

<sup>7</sup> [Docket no. 42](#), filed November 26, 2013.